

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Nicole Compere, D.C.,  
Darline Compere, Clarisse Zimanski,  
Kenneth B. Zimanski, Julien Mayard, et al.,

Plaintiffs,

v.

Hennepin County Children Protection Services,  
City of Brooklyn Park Police Department,  
K. Porter, Huyen Ho, et al.,

Defendants.

**MEMORANDUM OPINION  
AND ORDER**

Civil No. 05-1988 ADM/JSM

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Nicole Compere, *pro se*.

Jason M. Hiveley, Esq., Iverson Reuvers, Bloomington, MN, on behalf of Defendants City of Brooklyn Park Police Department and K. Porter.

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On January 13, 2006, oral argument before the undersigned United States District Judge was heard on Defendants City of Brooklyn Park Police Department and K. Porter's Motion for Dismissal and/or Summary Judgment [Docket No. 6]. Plaintiff Nicole Compere appeared *pro se*, accompanied by her mother, Clarisse Zimanski. Defendants Hennepin County Children Protection Services ("Hennepin County") and Huyen Ho did not appear.<sup>1</sup>

The Court finds *sua sponte* that Plaintiff's Complaint [Docket No. 1] fails to state any cognizable claims against any of the Defendants. While service of process might be an issue with respect to some Defendants, the Court holds more broadly that Plaintiff has failed to properly allege any constitutional or statutory violations. Plaintiff is not an attorney, and

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<sup>1</sup> Attorney Jason M. Hiveley represented to the Court that it is his understanding from conversations with Defendants Hennepin County and Huyen Ho that they do not believe they have been properly served. Hennepin County and Huyen Ho have not filed an answer or any other documentation with respect to this case.

therefore can not represent the other individuals named as Plaintiffs in the caption of her Complaint. Plaintiff is the only person that signed the Complaint and therefore Plaintiff has only filed a lawsuit on behalf of herself against the named Defendants. Plaintiff can not pursue the claims alleged in her Complaint because Plaintiff fails to allege any injury, or constitutional or statutory violation, with respect to herself.

For the reasons stated at oral argument and herein, Defendants' Motion is **GRANTED**. All claims stated in the Complaint [Docket No. 1] are **DISMISSED WITHOUT PREJUDICE** with respect to all Defendants. The Court does not impose sanctions against Plaintiff Nicole Compere, and does not award court costs and attorney's fees to any Defendants.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

BY THE COURT:

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s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: January 13, 2006.